

EXAMINER'S AMENDMENT

1. Authorization for this examiner's amendment was given in a telephone interview with Mr. Richard Fichter (reg. # 26,382) on 3/23/2010.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
3. In claim 1, line 9 after the word "thereof" the phrase -- wherein the accelerator forms or is part of a cross-linked network of the seal and does not leach out into drug media within the device -- has been inserted.
4. In claim 5, line 9 after the word "thereof" the phrase -- wherein the accelerator forms or is part of a cross-linked network of the seal and does not leach out into drug media within the device -- has been inserted.

REASONS FOR ALLOWANCE

5. The following is an examiner's statement of reasons for allowance:

A review of Applicant's arguments in the Paper filed 2/19/2010 and a review of the instant claims, which encompass the examiner's amendments as discussed with and accepted by Applicant's attorney, Mr. Richard Fichter (reg. # 26,382), on 3/23/2010 has convinced the examiner that the claims are allowable over the applied prior art of record.

6. Regarding independent claim 1 and the dependent claims, the prior art fails to teach or suggest a pharmaceutical dispensing device valve seal which is a vulcanisate

of an elastomeric composition comprising: (a) an isobutylene polymer or co-polymer thereof; (b) a cross-linking agent for the isobutylene polymer or co-polymer thereof, wherein the cross-linking agent is sulphur or a sulphur-donating compound, and wherein the cross-linking agent is free of peroxide curing agents; and (c) an accelerator for the cross-linking agent, wherein the accelerator is a polysulphide compound derived from a substituted dithiocarbonic acid or derivative thereof wherein the accelerator forms or is part of a cross-linked network of the seal and does not leach out into drug media within the device.

7. Regarding independent claim 5 and the dependent claims, the prior art fails to teach or suggest a pharmaceutical dispensing device valve seal which is a vulcanisate of an elastomeric composition comprising: (a) a chlorine-substituted diene polymer or co-polymer thereof; (b) a cross-linking agent for the chlorine-substituted diene polymer or co-polymer thereof, wherein the cross-linking agent is sulphur or a sulphur-donating compound, and wherein the cross-linking agent is free of peroxide curing agents; and (c) an accelerator for the cross-linking agent, wherein the accelerator is a polysulphide compound derived from a substituted dithiocarbonic acid or derivative thereof wherein the accelerator forms or is part of a cross-linked network of the seal and does not leach out into drug media within the device.

8. The closest prior art of Chan et al. (WO 02/072449) teaches a pharmaceutical dispensing device such as a pharmaceutical metered dose aerosol inhaler having a valve seal, however, fails to teach a cross-linking agent such as sulfur or a sulfur-donating compound free of peroxide curing agents and a polysulphide accelerator

derived from a substituted dithiocarbonic acid or derivative thereof wherein the accelerator forms or is part of a cross-linked network of the seal and does not leach out into drug media within the device.

9. The secondary references of record do not teach or suggest the combined limitations not taught by Chan et al. (WO 02/072449).
10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent T. O'Hern whose telephone number is (571)272-6385. The examiner can normally be reached on Monday-Thursday, 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on (571) 272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brent T. O'Hern/
Examiner, Art Unit 1783
March 23, 2010